



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: November 2, 2005

Time: Closed Session 5:45 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- a) Conference with Blair King (Acting Labor Negotiator) regarding International Brotherhood of Electrical Workers and Lodi Police Officers Association, pursuant to Government Code §54957.6
- b) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### C-4 Return to Open Session / Disclosure of Action

- A. Call to Order / Roll call
- B. Invocation – Chaplain Barbara Taylor, Lodi Police Chaplain
- C. Pledge of Allegiance
- D. Presentations
  - D-1 Awards – None
  - D-2 Proclamations – None
  - D-3 Presentations – None

**E. Consent Calendar (Reading; comments by the public; Council action)**

- E-1 Receive Register of Claims in the amount of \$3,434,418.06 (FIN)
- E-2 Approve minutes (CLK)  
a) September 27, 2005 (Shirtsleeve Session)  
b) September 27, 2005 (Special Meeting)  
c) October 4, 2005 (Shirtsleeve Session)  
d) October 18, 2005 (Shirtsleeve Session)  
e) October 25, 2005 (Special Shirtsleeve Session)
- Res. E-3 Adopt resolution awarding two-year contract for Elevator Services for City Facilities to Elevator Technologies, Inc., of El Dorado Hills (\$19,980), and authorize extension of the contract up to two years (PW)
- E-4 Accept improvements under contract for Hale Park Playground Improvements, 209 E. Locust Street (PR)
- Res. E-5 Adopt resolution accepting improvements at 1020 South Beckman Road (PW)
- Res. E-6 Adopt resolution accepting improvements at 1349 East Kettleman Lane (PW)
- E-7 Accept improvements under contract for Construction of the Lodi Unified School District Compressed Natural Gas and Fueling Station and authorize additional Change Order (PW)
- Res. E-8 Adopt resolution authorizing the City Manager to execute a professional services agreement with T. Mitchell Engineers & Associates for facility upgrades for Fleet Services shop and compressed natural gas fueling station expansion at the Municipal Service Center (\$15,400) (PW)
- Res. E-9 Adopt resolution adopting 2005-06 Federal Program of Transit Projects Lodi Urbanized Area (PW)
- Res. E-10 Adopt resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fee (CD)
- E-11 Authorize the City Attorney to execute letter in support of the petition for Supreme Court review in the case of Macpherson v. City of Hermosa Beach, Case No. B174240 on behalf of the City of Lodi (CA)
- E-12 Set public hearing for November 16, 2005, to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage Control license for on-sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A (CD)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Comments by the City Council Members on non-agenda items**

**H. Comments by the City Manager on non-agenda items**

**I. Public Hearings**

- Res. I-1 Public hearing to consider the Planning Commission's recommendation of approval of the  
Ord. request of John Costamagna for a Negative Declaration ND-05-04 and rezone from R-2,  
(Introduce) Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place, a  
17-lot, low-density, single-family residential subdivision located at 1380 Westgate Drive (CD)

**J. Communications**

- J-1     Claims filed against the City of Lodi – None
- J-2     Appointments
- a)     Appointment to the Lodi Animal Shelter Task Force (CLK)
  - b)     Post for expiring terms on the Lodi Senior Citizens Commission, the San Joaquin County Mosquito & Vector Control District, and the Site Plan and Architectural Review Committee (CLK)
- J-3     Miscellaneous – None

**K. Regular Calendar**

- Res.    K-1     Adopt resolution approving the Americans with Disabilities Act Transition Plan and formulate a method to seek broad input for the purpose of obtaining community consensus regarding future use and improvements for the Grape Bowl (CD)
- Res.    K-2     Adopt resolution approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2004-05 (PW)
- Res.    K-3     Adopt resolution approving the policy and procedure guidelines for naming of parks, recreation facilities, and park features (PR)
- Res.    K-4     Adopt resolution establishing procedures for the consideration of pre-annexation and development agreements (CA)
- K-5     Approve expenses incurred by outside counsel relative to the Wal-Mart Supercenter Store litigation and miscellaneous general counsel advice (\$2,433.51) and approve Special Allocation covering these expenses (CA)

**L. Ordinances**

- L-1     Take the following actions:
- Ord.     a)     Ordinance No. 1765 entitled, "An Ordinance of the City Council of the City of Lodi (Adopt)     Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Sections 13.20.175 (D)-(1), (5), and (6) Relating to Market Cost Adjustment Billing Factor; and Further Repealing Section 13.20.185 in its Entirety Relating to Preexisting Electric Rates" (CLK)
- Res.     b)     Adopt resolution establishing Market Cost Adjustment(s) for electric utility rates to be effective December 2, 2005 (EUD)

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk